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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,513	03/12/2004	Robert Ganley	20959/2280	2375

7590

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EXAMINER

MACPHERSON, MEOGHAN E

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/799,513

Applicant(s)

GANLEY, ROBERT

Examiner

Meaghan E. MacPherson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The use of several trademarks have been noted in this application. Examples include PUREFORM, BIO-CERA, CERADAPT, and ZIREAL POST. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al (US Patent No. 6,497,573) in view of Bassett et al (6,250,922).

Wagner et al discloses an dental restorative system that includes a prosthesis 102, an implant 106 fixed in the patient's jaw, as well as an implant abutment 104 comprising a core 120 and cuff 140 surrounding the core (col. 1, lines 12-13; col. 2, lines 51-52; col. 3, lines 24-26; see Figure 2). The abutment is fixed to the implant and the prosthesis is fixed to the abutment (col.

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2, lines 53-54; see Figure 2). The abutment core is made from a metallic material, titanium or a titanium alloy (col. 3, 20-24). The cuff and the prosthesis are both made from polymeric materials (col. 3, lines 55-56). However, Wagner et al does not disclose the cuff colored to match the prosthesis.

Bassett et al teaches an abutment cuff that is colored to camouflage the abutment in the mouth and to match the prosthesis (col. 2, lines 42-45; col. 4, lines 55-57; col. 6, lines 20-25). Bassett et al also teaches that the cuff is made from a ceramic (col. 2, lines 39-41; col. 5, lines 10-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the implant abutment of Wagner et al to incorporate the teachings of Bassett et al to create an abutment cuff that enhances the aesthetics of the abutment providing visual advantages for both the patient and the prosthesis.

5. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al in view of Bassett et al in view of Hinds' 568 (US Patent No. 6,039,568). Wagner et al in view of Bassett et al discloses the claimed invention that shows the limitations as described above; however, Wagner et al in view of Bassett et al does not disclose the prosthesis being formed of a ceramic material.

Hinds' 568 teaches a ceramic prosthesis used in conjunction with an implant and abutment system (col. 6, lines 25-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the implant abutment of Wagner et al in view of Bassett et al to incorporate the teachings of Hinds' 568 to create a dental restorative system that comprises a prosthesis and abutment cuff made of ceramic material for improved aesthetic results in accurately matching the restorative system to the neighboring teeth.

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6. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al in view of Bassett et al in view of Hinds'568 and further in view of Locante et al (US Patent No. 6,368,108). Wagner et al in view of Bassett et al in view of Hinds'568 discloses the claimed invention that shows the limitations as described above; however, Wagner et al in view of Bassett et al in view of Hinds'568 does not disclose the method for fabricating the dental implant restoration comprising fixing the implant within a patient's jawbone, fixing the abutment having a core and cuff to the implant, and fixing a dental prosthesis to the abutment.

Locante et al teaches the conventional surgical method of fixing a dental implant in the jawbone of a patient, affixing the abutment to the implant, and then affixing a dental prosthesis to the abutment (col. 1, lines 13-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the implant abutment of Wagner et al in view of Bassett et al in view of Hinds'568 to incorporate the teachings of Locante et al to yield a method of fabrication which results in a dental prosthetic which is secure and blends in with a patient's natural teeth.

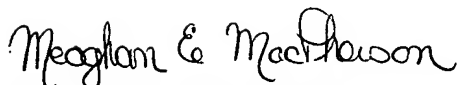
### ***Conclusion***

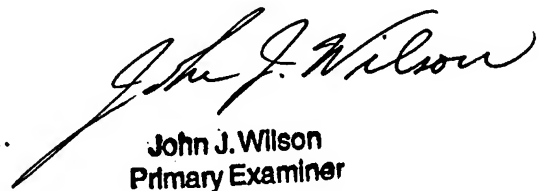
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meoghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meaghan E. MacPherson

  
John J. Wilson  
Primary Examiner